

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM LEONARD PICKARD,)	
)	
Plaintiff(s),)	No. C 06-0185 CRB (PR)
)	
vs.)	ORDER REQUESTING
)	SEPARATE CASE
UNITED STATES DEPARTMENT)	MANAGEMENT
OF JUSTICE,)	STATEMENTS
)	
Defendant(s).)	
_____)	

Plaintiff, a federal prisoner currently incarcerated at the United States Penitentiary in Tucson, Arizona, seeks enforcement of his Freedom of Information Act, 5 U.S.C. § 522 ("FOIA"), request to the Drug Enforcement Administration ("DEA") for records pertaining to confidential informant Gordon Todd Skinner. In response to plaintiff's request, the DEA submitted a Glomar response refusing to confirm or deny the existence of any responsive records pertaining to Skinner, citing exceptions 6 and 7(C), (D) and (F) of FOIA. After the Office of Information and Privacy ("OIP") upheld the DEA's response, the instant FOIA court action followed.

After this court granted summary judgment in favor of the government, holding that Skinner's identity as a confidential informant had not been "officially confirmed" within the meaning of 5 U.S.C. § 552(c)(2), and that a Glomar response was appropriate under exemptions 7(C) and 7(D), plaintiff appealed.

1 Per order filed on July 27, 2011, the Ninth Circuit reversed and remanded.
2 The court held that "because the government officially confirmed Skinner's status
3 as an informant in open court in the course of official proceedings, the
4 government cannot continue to 'neither admit nor deny' Skinner's informant status
5 in response to a FOIA request." Pickard v. Dep't of Justice, No. 08-15504, slip
6 op. 9625, 9628 (9th Cir. July 27, 2011). But the court made clear that this is not
7 to say that all documents related to Skinner are subject to disclosure: "We simply
8 hold that since Skinner has already been officially identified as an informant by
9 government counsel and agents, the cat is out of the bag and the government must
10 proceed to the next step – provide an index of the documents it has and make
11 whatever additional objections to disclosure it deems appropriate." Id. at 9628-
12 29. The court's mandate issued on September 19, 2011.

13 In order to expedite these proceedings, the court orders that, by no later
14 than December 16, 2011, the parties shall file separate case management
15 statements addressing all of the topics set forth in the Standing Order for All
16 Judges of the Northern District of California – Contents of Joint Case
17 Management Statements, which can be found on the court's website located at
18 <http://www.cand.uscourts.gov>. The clerk shall also mail a copy of the standing
19 order to plaintiff, who is incarcerated and proceeding without counsel.

20 SO ORDERED.

21 DATED: Nov. 3, 2011

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23 CHARLES R. BREYER
24 United States District Judge
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